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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 24 April 2008 from the Permanent Mission of Papua New Guinea to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Papua New Guinea to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and is pleased to submit its first report to the Committee (see annex).

24 April 2008, New York

09-25833 (E) 190309

Annex to the note verbale dated 24 April 2008 from the Permanent Mission of Papua New Guinea to the United Nations addressed to the Chairman of the Committee

Report of Papua New Guinea on implementation of United Nations Security Council resolution 1540 (2004)

Pursuant to United Nations Security Council resolution 1540 (UNSCR 1540), all Member States are required to present a report to the 1540 Committee of the Council on the steps they have taken or intended to take regarding its implementation.

This report serves to benchmark the stages of development of policy, legislation and operational mechanisms in Papua New Guinea to implement the requirements of the resolution. As implementation of the resolution is a long-term process, Papua New Guinea endeavours to provide necessary updates and additional information in the future.

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

1. Papua New Guinea does not develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

2. Papua New Guinea is supportive of the objectives of UNSCR 1540 and does not support in any way or form activities that may assist and/or encourage non-State actors to commit or attempt acts contrary to the objectives of the Resolution.

3. Papua New Guinea is also committed to disarmament and non-proliferation. In support of these and the commitments above, it is a State Party to the following:

- 1925 Geneva Protocol
- Biological Weapons Convention
- Chemical Weapons Convention
- Nuclear Non-Proliferation Treaty
- Treaty of Rarotonga

Additionally, Papua New Guinea is a signatory to the Comprehensive Nuclear-Test-Ban Treaty, and a subscriber to the Hague Code of Conduct against Ballistic Missile Proliferation.

4. As of 2008, Papua New Guinea has ratified eight (8) international counter-terrorism conventions and protocols. These are as follows:

1. 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft
2. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft

3. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation

4. 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

5. 1979 International Convention against the Taking of Hostages

6. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation

7. 1997 International Convention for the Suppression of Terrorist Bombings

8. 1999 International Convention for the Suppression of the Financing of Terrorism

5. Papua New Guinea remains committed to ratifying and signing the remaining five (5) counter-terrorism conventions and related three (3) protocols.

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

On 25-26 June 2007, Papua New Guinea participated in the United Nations Office on Drugs and Crime (UNODC) and Pacific Islands Forum Secretariat (PIFS) Consultation on Counter-Terrorism Legislation Implementation and Technical Assistance Delivery, and on 27 June, the PIF Working Group on Counter-Terrorism, both held in Nadi, Fiji.

Then from 3-5 December 2007, the Government of Papua New Guinea, through the Royal Papua New Guinea Constabulary, Department of Justice and Attorney-General and Department of Foreign Affairs, Trade and Immigration, participated in a UNODC and PIFS-sponsored country workshop in Port Moresby.

Following these workshops, Papua New Guinea is now in the process of developing and drafting appropriate domestic legislation that aims to cover aspects of United Nations Security Council resolutions 1373 (2001) as well as 1540 (2004) and 1673 (2006).

Operative Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall;

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

Papua New Guinea is currently considering some of these requirements through the drafting of national Counter-Terrorism legislation. It is noted that the Merchant Shipping Act contains provisions that contribute to implementation of measures to secure, store and transport biological, chemical and nuclear weapons-related materials and their means of delivery.

With respect to the Chemical Weapons Convention, the Papua New Guinea Department of Foreign Affairs, Trade and Immigration is the designated National Authority, as required by the Convention.

While not a member of the International Atomic Energy Agency, Papua New Guinea has in force a Safeguards Agreement relevant to measures to account for production, use and storage of nuclear-related materials.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

In support of improving border controls, Papua New Guinea has the Customs Act 1951 and the National Maritime Safety Authority Act containing provisions that are relevant to transportation, import and export controls. Papua New Guinea is a member of the regional Oceania Customs Organization, and has signed the declaration on the implementation of the World Customs Organization 2005 Framework of Standards to Secure and Facilitate Global Trade.

Operative Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions.

Papua New Guinea is currently considering assistance needs and will make request(s) as appropriate.

Following the UNODC-sponsored workshops on drafting national counter-terrorism legislation held in Fiji, in June 2007, and in Port Moresby, in December 2007, UNODC is continuing its support in terms of assisting with Papua New Guinea's legislative requirements.

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 27 June 2008 from the Permanent Representative of the Federated States of Micronesia to the United Nations addressed to the Chairman of the Committee

I present my compliments and have the honour to enclose a copy of the report of the Federated States of Micronesia on the implementation of United Nations Security Council resolution 1540 (2004) (see annex).

(*Signed*) Masao **Nakayama**
Permanent Representative

09-25839 (E) 240309

Annex to the letter dated 27 June 2008 from the Permanent Representative of the Federated States of Micronesia to the United Nations addressed to the Chairman of the Committee

Federated States of Micronesia report on the implementation of United Nations Security Council resolution 1540 (2004)

Report, 26 June 2008

The Federated States of Micronesia welcomes the United Nations Security Council's unanimous adoption of resolution 1540 (2004) as the latest multilateral effort to prevent the proliferation of weapons of mass destruction (WMD). No place is immune from the dangers posed by states and terrorist organizations that seek to acquire and use these deadly weapons. It is therefore imperative for the maintenance of international peace and security that all states work diligently together on a global level to tackle this threat in concrete and effective ways. Accordingly, the FSM offers its full support to the 1540 Committee in its task of ensuring the universal implementation of this landmark resolution.

Since becoming an independent state twenty-six years ago, the FSM has focused its limited resources primarily on enacting and implementing domestic measures that provide essential, public services, promote sustainable economic development, and protect the health, safety, education and welfare of its population. We believe that such measures not only are fundamental to guarantee our long-term viability as an independent and self-sufficient nation, but also are necessary for us to contribute more meaningfully to the current concerns facing the international community. Notwithstanding our pressing domestic agenda, we have striven to do our part in the international effort to halt the spread of nuclear, chemical and biological weapons. In the relatively brief period that this nation has been a member of the United Nations, the FSM has made significant headway in acceding to international instruments aimed at preventing the proliferation of WMD. Moreover, the FSM has actively sponsored and supported United Nations General Assembly resolutions seeking to accelerate nuclear disarmament. Furthermore, the FSM is a member of the Pacific Islands Forum Group and other regional organizations that endeavour to, among other things, enhance regional and global security through the coordination of national law enforcement activities.

Pursuant to the current Compact of Free Association between the FSM and the United States, the United States has full authority and responsibility for security and defence matters in or relating to the FSM. As a result, the FSM does not own or possess any military technology or weaponry that could be classified as a WMD. Nor does the FSM develop, manufacture or produce any materials that could be used by a third country or terrorist organization to create WMD, or a means of their delivery. Nevertheless, we understand that the FSM is uniquely vulnerable to the threat of terrorism and transnational crime given its remote location and limited law enforcement resources. We also recognize that the FSM is often overlooked in the allocation of resources aimed at combating transnational crime and terrorism. As the FSM President stated before the United Nations General Assembly at its fifty-eighth session,

> "[w]ar and terrorism are only consequences of their deeper root causes, poverty, human injustice, and more recently, environmental degradation. These are most often discussed in the context of the more populous regions of the world, but I ask you not to overlook that they also present themselves to the Small Island Developing States.
>
> The unique vulnerability of our island States to all these scourges is widely recognized. Even so, global threat assessments more often are not followed up by a realistic allocation of resources to the more remote, yet also more vulnerable, places where threats to global security often find their origin or seek refuge. I submit to you that the region of the Pacific islands has too long been overlooked in that way."

Thus, while we support the underlying goals of UNSC Resolution 1540, we note that its requirements are extensive and costly for new and developing nations such as the FSM.

We, therefore, request assistance in determining which international instruments, domestic laws and export control regimes pertaining to the proliferation of WMD we should give priority to implementing, taking into consideration the particular configuration and circumstances of the FSM as a small and remote island nation. More importantly, because we currently lack the financial resources and skills necessary to effectively implement many of the specific measures required under UNSC Resolution 1540, we request material assistance in meeting these obligations.

Operative Paragraph 1

> Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Action taken: The FSM does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

The FSM is currently a party to the CWC, the NPT, and the Comprehensive Nuclear Test Ban Treaty. Moreover, the FSM is a state party to seven international conventions and protocols on counter-terrorism: the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; the 1979 International Convention against the Taking of Hostages; the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; the 1997 International Convention for the Suppression of Terrorist Bombings; and the 1999 International Convention for the Suppression of the Financing of Terrorism. Furthermore, the FSM also subscribed to the Hague Code of Conduct against Ballistic Missile Proliferation.

Operative Paragraph 2

> Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

Action taken: The FSM Constitution prohibits the testing, storage, use or disposal of radioactive, toxic, chemical or other harmful substances within the jurisdiction of the Federated States of Micronesia without the express approval of the National Government. This approval has never been granted except under very limited circumstances to the United States pursuant to the current Compact of Free Association.

In addition, the FSM Foreign Investment Act prohibits foreign investment anywhere in the FSM in arms manufacturing, business activities relating to nuclear power or radioactivity, and other economic sectors that the Secretary of the Department of Resources and Development designates as being on the National Red List. Nuclear, chemical and biological weapons would fall within these provisions.

Moreover, the FSM Weapons Control Act prohibits the manufacture, purchase, sale or possession of any firearm, dangerous device, or ammunition in the FSM without the authorization of the FSM national government. The definition of "dangerous device" includes any explosive, incendiary or poison gas bomb, grenade, mine or similar device, designed or redesigned as a weapon, which can be used to inflict bodily harm and which under the circumstances of its possession serves no lawful purpose. In addition, the FSM is currently drafting implementation legislation pursuant to Article VII of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention).

Furthermore, the FSM Money Laundering and Proceeds of Crime Act prohibits the acquisition, possession or use of property, knowing, or having reason to believe that it is derived directly or indirectly from acts or omissions that would constitute a serious offense. The Act further authorizes the government to seize and detain any currency that is being imported into or exported from the FSM if there is probable cause to believe that it was derived from a serious offense, or is intended by any person for use in the commission of a serious offense. The term "serious offense" is defined as the violation of any law of the FSM, or its states or political subdivisions, which is punishable by more than a year of imprisonment, or any law of a foreign state in relation to acts or omissions that, had they occurred in the FSM, would have constituted a serious offense punishable by more than one year of imprisonment.

The FSM has joined other members of the Pacific Islands Forum Group in adopting the Honiara Declaration (1991) and the Nasonini Declaration (2002). Pursuant to these declarations, the FSM is committed to introducing legislation and developing national strategies to combat serious transnational crimes, including money-laundering, drug trafficking, terrorism and terrorist financing, people smuggling, and people trafficking in accordance with international requirements in these areas. It has also committed to cooperating with law enforcement activities of

other Forum states. Pursuant to this commitment, the FSM government is currently seeking to pass legislation relating to transnational extradition and transfer of convicted persons, foreign evidence and controlled substances.

The FSM is considering what further domestic legislation may be relevant and necessary in light of its own attributes and circumstances.

Operative Paragraph 3

> Decides that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:
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> (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
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> (b) Develop and maintain appropriate effective physical protection measures;
>
> (c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law; and
>
> (d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

Action taken: The FSM currently does not manufacture, produce, develop, store, transport or export nuclear, chemical or biological weapons — or any related or precursor materials — within or outside its borders. Nevertheless, the FSM has adopted several international instruments to account for or secure such materials, including the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Trans-boundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention), and the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal (Basel Convention).

In addition, the FSM shall seek to adopt the Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency (IAEA).

The FSM has continuously worked to develop and expand its customs laws and regulations in order to improve its surveillance and control over goods that enter or leave this nation. Currently, it is unlawful for anyone to import or export any goods whose use, sale, possession, import or export is prohibited or contrary to restrictions imposed by the FSM, unless the importer or exporter has a valid permit or license. FSM customs officers have the authority to inspect all goods intended for import into or export from the FSM and to seize all suspected contraband.

Smuggling of goods is also an offense under FSM law, and customs inspectors have the power to search all vessels or containers entering or leaving the FSM.

Moreover, the FSM plant and animal quarantine regulations prohibit the import of any living culture or organism including parasites, bacteria, viruses, and viroids. Furthermore, the FSM pesticides regulations establish strict controls over the importation, distribution, sale and use of pesticides by persons within the FSM.

While the FSM is currently drafting CWC implementation legislation, it has designated the Ministry of Justice to be its National Authority. In addition, the FSM is currently drafting implementation legislation pursuant to Article VII of the Chemical Weapons Convention.

The FSM is considering what further domestic legislation may be relevant and necessary in light of its own attributes and circumstances.

Operative Paragraph 4

> Calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee established by the United Nations Security Council on steps they have taken or intend to take to implement this resolution.

Action taken: The FSM hereby submits its first report pursuant to United Nations Security Resolution 1540.

Operative Paragraph 5

> Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons.

Action taken: The FSM is a party to the Chemical Weapons Convention and the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Currently, the FSM is carefully considering adopting an IAEA safeguards agreement pursuant to Article III of the NPT, and the Additional Protocol. The FSM is also considering the possibility of acceding to the Biological and Toxin Weapons Convention (BWC), taking into account the relevance and applicability of this international instrument to this nation's attributes and circumstances.

Operative Paragraph 6

> Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

Action taken: The FSM currently does not belong to any export control regimes such as the Nuclear Suppliers Group, Australia Group, or the Missile Technology Control Regime. Nor has it developed a national control list for chemical, biological, nuclear and related items. This is primarily due to the fact that the FSM does not develop, manufacture, produce, possess, use, store, transport or export these kinds of materials. However, the FSM is willing to discuss with export control

regimes whether there is a need for it to develop and implement a national control list, and if such a need exists, the types of items that should be placed on this list and the availability of aid to assist the FSM in enforcing such a list.

Operative Paragraph 7

> Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions.

Action taken: As the FSM Secretary of the Department of Foreign Affairs, speaking before the General Assembly at its fifty-ninth session, commented, there is:

> "... a common concern that amidst all the current attention to global security issues, the nations of the Pacific Islands are being left largely to our own devices to deal with threats related to organized crime and terrorism. We are working hard to address our vulnerabilities in these regards, but I would like simply to note that the rest of the world, especially the North, is not serving its own best interests by giving short shrift to the possibilities for criminal and terrorist exploitation that are presented by our vast region. Over and above other traditional ODA, we need a range of targeted assistance in our area."

While the FSM is eager to contribute to the international effort to prevent the proliferation of WMD and to fully comply with the detailed and extensive requirements under UNSC Resolution 1540, it currently lacks the infrastructure, experience and resources to do so effectively. The FSM therefore calls upon states that are in a position to do so to offer it assistance — in particular, through training and financial aid — in the enactment and implementation of the relevant and necessary treaties, export and trans-shipment controls and other measures.

Operative Paragraph 8

> Calls upon all States:
>
> (a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;
>
> (b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;
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> (c) To renew and fulfil their commitment to multilateral co-operation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international co-operation for peaceful purposes; and
>
> (d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws.

Action taken: The FSM supports the universal adoption and full implementation of the international disarmament and non-proliferation treaties as mentioned in Operative Paragraph 1.

The FSM strongly supports the aims and activities of multilateral organizations such as the IAEA and the Organization for the Prohibition of Chemical Weapons. Although it currently lacks financial resources to contribute to these organizations, it stands ready to provide information that they may require. Moreover, the FSM invites these organizations to visit this nation or its representatives to discuss how we can work together to prevent the proliferation of WMD.

The FSM will continue to promote the non-proliferation and disarmament treaties to which it is a party and to consider acceding to any relevant international instruments which it has yet to become a member. Moreover, it will continue to enact domestic laws and regulations, where necessary, to ensure full compliance with its international commitments.

Currently, no known entity in the FSM engages in activities that directly or indirectly contribute to the proliferation of nuclear, chemical or biological weapons. Should these circumstances change, this nation will develop the means for ensuring that domestic industries and the public are made aware of their obligations under the various disarmament and non-proliferation treaties and legislation.

Operative Paragraphs 9 and 10

(OP 9) Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

(OP 10) Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

Action taken: The FSM continues to promote dialogue and cooperation on non-proliferation in a number of global and regional forums, including the United Nations General Assembly and the Pacific Islands Forum Group, in order to address the threat posed by WMD and their means of delivery.

The FSM has been active at the regional level to help make the Pacific island region safe against terrorism and to promote stability and good governance. It has continually advocated a coordinated response to transnational crime and terrorism based on mutual respect and appreciation of each nation's skills, attributes, circumstances and resources. As a member of the Pacific Islands Forum Group, the FSM has worked with its fellow Pacific island states to promote the adoption of transnational crime and terrorism treaties, and the enactment of appropriate domestic legislation, through declarations such as the Honiara Declaration and the Nasonini Declaration.

The FSM is also coordinating its law enforcement activities with the other member states of the Pacific Islands Forum Group pursuant to declarations such as the Honiara Declaration and the Nasonini Declaration. Moreover, the FSM stands ready to negotiate unilaterally with states that request its cooperation and assistance.

For example, as part of the current Compact of Free Association and related agreements, the United States and the FSM have agreed to take all reasonable and necessary steps, as mutually agreed, to prevent the use of the lands, waters and facilities of the United States or the FSM for the prevention of terrorism, espionage, racketeer-influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities.